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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,078	06/17/1999	SHIVALING S. MAHANT-SHETTI	TI-26617	6066

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EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,078

Applicant(s)

MAHANT-SHETTI ET AL. *TM*

Examiner

Kamran Emdadi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
3. Claims 1-4, 9-11, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Harms et al. (US Patent No. 6493376).
 - Regarding claims 1-4, 9-11, 16, 17, 20 and 21, Harms teaches: a receiver (Figure 6), an embodiment of the invention to provide processing for a CDMA signal (Col 12, lines 47-50), receiving an analog signal to be converted to a digital signal to be encoded for error detection and correctional purposes (Col 4, lines 49-52), a CDMA signal to be transmitted on a CDMA channel (Col 12, lines 13-16), a channel used for each code function (Col 5, lines 20-27) a multiplying and accumulating operation for the signal (Col 17, lines 31-40) and the output is appropriated over the symbol period (Col 16, lines 43-50), where the analog

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signal is processed to be translated or identified into a digital signal with aid from a clocking device to match a phase correlation for detection, with multiple output states shown by a coding scheme implemented by 1, 0 and -1 (Col 21, lines 20-33), and a summing element 128 used to add the results of the multiplying device (Figure 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms et al. (US Patent No. 6493376) in view of Hendrickson et al. (US Patent No. 5974584).

- Regarding claims 5-8, 18 and 19, Harms teaches: all of the above embodiments except a zeroing or blanking process of muting a signal based on the signals relative strength or accuracy, Hendrickson teaches: a blanking process of blanking out, zeroing or muting a signal when errors are detected to prevent accumulation of data during this interval, (Col 3, lines 5-13) and (Col 7, lines 13-26). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the process of blanking with this

communication process as a means to avoid errors as detected by the receiving portion of the embodiment.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms et al. (US Patent No. 6493376) in view of Lomp et al. (US Patent No. 5799010).

- Regarding claims 12 and 13, Harms teaches: all of the above embodiments except a gain control mechanism, Lomp teaches: a CDMA controlled system with an automatic gain control mechanism 1235. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the process of a gain control system with a CDMA communication system for an effective distribution of signal.

Allowable Subject Matter

7. Claims 14 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

- Regarding claim 14, The prior art teaches: a CDMA system with an accumulation mechanism and multiplication mechanism, and a transistor used in an electronic system is inherent, however, the outlining description of the CDMA system functioning to accumulate and multiply over a symbol period by means of a

transistors charging of voltage is unique in its context and description over the admitted prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gilhousen et al. (US Patent No. 5103459) Generating signal waveforms in a CDMA system.
- Dent (US Patent No. 5305349) CDMA system with a rake receiver.
- Gilhousen et al. (US Patent No. 5416797) Generating signal waveforms in a CDMA system.
- Fukasawa et al. (US Patent No. 5533012) CDMA system with bi-directional channels.
- Ostman (US Patent No. 5566201) AGC for a CDMA system.
- Skinner et al. (US Patent No. 5577025) Signal acquisition using Walsh channels.
- Zehavi (US Patent No. 5757767) Transmission of signal in a spread spectrum system.
- Jones et al. (US Patent No. 6108317) Cyclic code phase multiple access for satellite.
- Lomp et al. (US Patent No. 6272168) CDMA modem system.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KWANG BIN YAO
PRIMARY EXAMINER

